Form No. 2
G. 5000-9-36

SHANGHAI MUNICIPAL POLICE.

File No. _____

O. I. D. HEADQUARTERS. FILE No. C.S. / 83 DATE 27-3-31.

Further **REPORT** Bubbling Well Station,

Date March 18, 1931.

Subject (in full) Re. allegations against C.D.C. 176 Liang Lyoh Liang.
(original report dated February 21, 1931)

Made by D.S.I. MacFarlane *Forwarded by* A. O'Dwyer. Insp.

Sir,

The above mentioned C.D.C. was before the Procurator Koh Wei at the Shanghai Special District Court on the 28-1-31, 10-2-31, 19-2-31, 5-3-31 in answer to the allegations made against him by the convict Tshoe Van Er.

With reference to the D.C's (C. & S.S.) remarks the undersigned made further enquiries at the Municipal Gaol, also in the vicinity of the Annam Road Market and at the Hospital where Tshoe Van Er the convict's wife was receiving medical attention during her confinement.

Mr. Wong the Assistant Municipal Advocate was also kept in close touch with the case; but despite the numerous enquiries nothing of an useful nature was elicited. The various witnesses called in the case were again interrogated but nothing could be obtained that would further the case one way or another.
Tshoe Van Er was interviewed at the Gaol and cross-questioned regarding his statements but nothing was obtained from him that could be substantiated by independant witnesses. One point was brought out, namely that the convict was under the fear that his wife would die whilst in Hospital. This statement regarding his apprehensions was corroborated by the fact that on the eve of his arrest he bought dead-clothes and delivered them to the Hospital Gateman to be used in the event of the woman dying that night. It was also ascertained that at that time the woman was in such a state of health as to warrant his fears. (It may be mentioned that according to Tshoe's statement and allegation it was because his wife was going to die that he borrowed the $150.00 to pay the funeral expenses, and that it was this money that the C.D.C. 176 was supposed to have taken from him.)

(See F.I.R. B.W. 794)

Form No. 2
G. 5000-9-30

File No.

SHANGHAI MUNICIPAL POLICE.

Further **REPORT** (2)

Bubbling Well Station,

Date March 18, 1931.

Subject (in full)

Made by

Forwarded by

The convict's relatives were personally questioned by the undersigned and also asked if they could in any way further the cause of the convict. Every assistance was offered to them and they were also informed that the case was being enquired into without fear or favour to any party. No advantage of this was taken however.

As stated above the witnesses etc. were before the Procurator's Court on the dates mentioned and on the 17-3-31 the Municipal Advocate received a notice of the decision of the Procurator to the effect that he had found no grounds on which the charge could be substantiated.

J. A. McFarlane.

D.S.I.

D.D.C. "B" Division.

PHONE 12049
12050

MEMORANDUM.

FROM THE MUNICIPAL ADVOCATE'S OFFICE,
SHANGHAI MUNICIPAL COUNCIL.

Shanghai, March 17, 193 .

To SENIOR DETECTIVE
B'well STATION

I forward herewith a translation of Procurator's decision in the case against Liang Ngoh Liang (C.D.C.176) on a charge of Malfeasance in Office.

Jas Sinclair.
Superintendent.

In the Shanghai Special Area District Court

Written Notice of Non-prosecution in re Liang Nyoh Liang's (Detective No 176) case.

The above named accused is suspected of an offence of malfeasance in office. This Procurator to has investigated the facts of the case and decided not to institute a prosecution against him on the following grounds.

In the case at bar, the only suspicion against him is by basing on the one-sided statement of the convict Tsai Van Er who stated, at the time of his arrest, he (indicating the accused) robbed him of the gold pistol and took away from my possession one gold finger ring, a pair of gold earrings, and $50.00." Since there is no substantive facts to prove the case, certainly in law, it is not allowed for a Court to simply base on the one-sided statement to convict an innocent person. The time of arrest given by the convict Tsai Van Er was even contradicting. When he was in the Mixed High Court, he stated that it was on the 10th of the 9th Moon at 11 a.m. When he was before this Court, he stated that it was on the 11th of the 9th Moon at 10 a.m. Not only the statements are conflicting, but also the time given by the convict conflicts with the records of the police station which was on November 1, 1930 at 10 a.m. (the 11th of the 9th Moon). Then it can be seen that the statements were untrue. No further

testified, "I was on my way home from the 9th Route Bus, on Hudson Road, I was [illegible] to the Shublingwell Police Station by the accused. We walked together on the road for about quarter of an hour and I was searched for two or three minutes in the Min Hou North Alleyway." It is of the opinion of this Procurator that this could be true under the present circumstances of this case. There is separating a distance of three tram stops [illegible] and the Shublingwell Police Station. Under ordinary circumstances, it would take more ten minutes to go from one place to the other. It is human nature that no one would be willing to be arrested into a police station to be punished for his [illegible]. He would struggle on the way. If it were as stated by Ng Wan Lo that he was searched in the alleyway, it would be impossible to do it for only two or three minutes and it would further be impossible to reach the police station in a quarter of an hour's time. Moreover, as the streets are at all times filled with pedestrians, if any incident happens on the road, a crowd would naturally gather to look at the side. Even though the accused was with an evil intent to strip of the convict Tsui Wan Tai's money and property, he would never dare to do it in crowded street. Moreover, he dared not do it at a place only within a few minute's walk to the Police Station. This is very clear.

Again, Convict Tsui Wan Lo stated that ten minutes after he was arrested into the police station, his friends Lee Kuo

Ker and Ts Tsung Hsing visited him. This Procurator has examined Ts [illegible]see, and they all testified that they had never visited any police station in their whole life. The accused arrested the convict and Wen Mr into the police station on a public offence committed by him. He arrested him on Hsdoon Road on November 1, at 9.45 p.m. and they reached the Police Station at 10 p.m. Since there was no delay on the road, it is further clear that there was no [illegible] of searching the convict's property on the road. His conduct naturally should be considered lawful. This notice of non-prosecution is hereby given in accordance with Article 214 of the Code of Criminal [illegible].

Dated March 9, 1931.

Procurator of the Shanghai Special District Court.